

Applicant: T-Mobile

Agent: Romano and Assoc., LLC

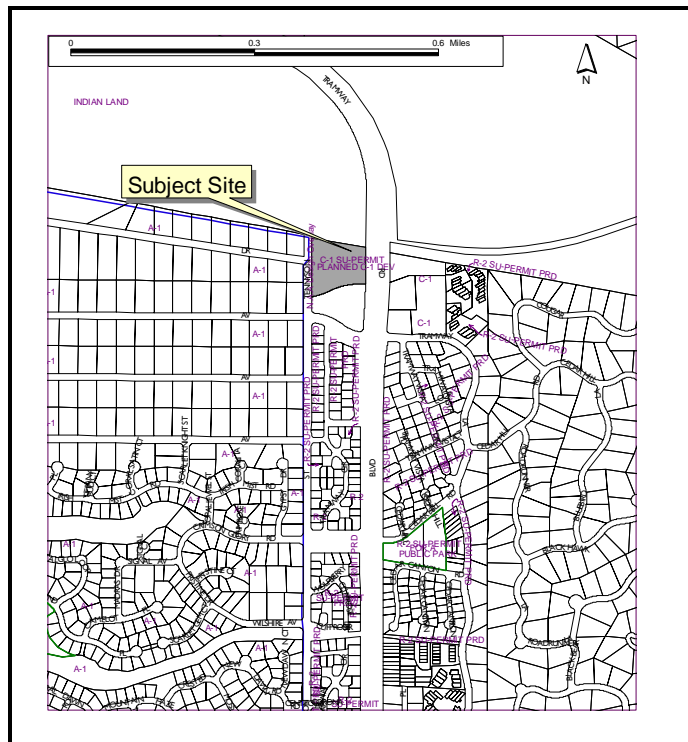
Location: 9600 Tennyson St. NE

Property Size: Approximately 4.17 acres

Existing Zone: C-1/SUP for C-1 Uses

Request: Special Use Permit for C-1 uses to include a 65' wireless telecommunication facility.

Recommendation: Denial



Summary: This is a request to amend an existing Special Use Permit for C-1 uses to include a 65' Wireless Telecommunication Facility and the supporting ground equipment.

This case was deferred from the July 12, 2006 CPC hearing to allow the applicant time to meet the concerned neighbors.

Staff Planner: Mari Simbaña, Program Planner

Attachments:

1. Application
2. Land Use and Zoning Maps
3. Letter requesting deferral at the July 12, 2006 hearing
4. Letters of opposition
5. Site Plan (Commissioners Only)

Bernalillo County Departments and other agencies reviewed this application from 5/23/06 to 8/14/06. Their comments were used in preparation of this report, and begin on Page 14.

AGENDA ITEM NO.: 8
County Planning Commission
September 6, 2006

CSU-60025 Romano & Associates LLC, agent for T-Mobile, requests approval of an amendment to the Special Use Permit to allow a 65 feet wireless telecommunication facility (monopole) on Tract 12A1, located at 9600 Tennyson Street NE, zoned C-1 with a Special Use Permit for C-1 Uses, containing approximately 4.17 acres. (B-23) (DEFERRED FROM THE JULY 12, 2006 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	C-1/SUP	Special Use Permit for C-1 Uses
North	Sandia Pueblo	
South	C-1/SUP	Special Use Permit for Planned C-1 Development. Vacant
East	Right-of-way	Tramway Boulevard
West	Right-of-way A-1	Tennyson Street North Albuquerque Acres Residential

BACKGROUND:

The Request

The applicant seeks to alter an existing Special Use Permit for a Planned C-1 Development. The intent is to establish a 65' monopole for wireless telecommunications as well as supporting ground equipment. There is a Church and parking lot currently on the subject site.

In the 1970s, the subject site was located between the Sandia Pueblo boundary and the Elena Gallegos Grant boundary. By the end of 1973, an extension of Elena had been platted just below the Elena Gallegos boundary, creating a physical separation between this northern lot and the three perpendicular lots south of it. In May 1976, Sandia Peak Tram Company, the owner at the time, applied for a zone change from A-1 to C-1 for 11.990 acres, which included a small portion of the subject site (for CSU-60025). In November 1976, after a thorough review of CZ-76-35, the Board of County Commissioners approved the requested zone change and included a Special Use Permit in order to require the applicant to submit a site plan. Staff was unable to find a site plan in the CZ-76-35 case file. At a later date, and prior to 1978, the subject site was recognized as C-1 with a Special Use Permit for Planning C-1 Development. At some date thereafter, the properties were replatted, resulting in a single 5.16-acre lot immediately south of the Sandia Pueblo boundary, between Tennyson and Tramway Boulevard. In September 1992, a subdivision was approved, which produced two separate lots, the north one being the subject site in discussion for the current request (CSU-60025).

Request Justification

The applicant believes that the proposed monopole meets the concealment criteria and, "will not create a dominant silhouette of a wireless telecommunications facility."

Surrounding Land Uses and Zoning

South of the subject site is a property with which it shares the existing Special Use Permit for Planned C-1 Development. To the north of the subject site is Sandia Pueblo property. To the east is Tramway Boulevard and beyond that there are C-1 zoned properties. Tennyson Road borders the subject site on the west and beyond that are residential properties within the North Albuquerque Acres community.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

4. Semi-Urban Area

The Plan designates eight areas Semi-Urban, about 18 square miles. Located in the Sandia Foothills, the west mesa, the north valley and the south valley, these areas are characterized by development limitations due to topography, soil conditions, water quality, flood potential, scenic qualities and recreational potential. /

The residents expressed objectives reinforce important environmental and historical justifications for maintaining the Semi-Urban Areas' special character. Semi-Urban Area development standards, (as in the Rural Area) should reflect residents' preferences,

environmental constraints, and unique characteristics of these development areas.

The Goal is to maintain the character and identity of the Semi-Urban areas which have environmental, social or cultural conditions limiting urban land uses.

Policy a

Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acre.

Policy c

The following policies shall govern industrial and commercial development in Semi-Urban areas:

- Neighborhood-scale rather than regional-scale commercial centers are appropriate.
- Strip commercial development is discouraged in favor of clustered commercial development.
- Mixed-use areas should protect residential uses in the area, while offering a variety of local employment opportunities.
- Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural, or residential areas.

Sandia Heights Master Plan

An amendment to the Master Plan (SC5-70-28MP), passed by the Board of County Commissioners in November 1976, determined the following:

The areas proposed for R-2 and C-1 zoning be controlled through the provisions of a Special Use Permit. In accordance with these provisions, development cannot occur until a detailed development plan is prepared, submitted, and approved by the County Planning Commission and the Bernalillo County Commission. As a condition of approval, the County may impose any reasonable requirement it deems appropriate. This includes requirements for the dedication of needed streets, drainageways, landscaping, as well as control over the density.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.

- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 18. Special Use Permit Regulations.

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any zone in which they are not permitted by other sections of this ordinance; the Bernalillo County Commission may likewise authorize the increase in height of buildings beyond the limits set by previous sections of this ordinance. With such permits, the Bernalillo County Commission may impose such conditions and limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located;
 2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
 3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
 4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

B.32.a

(Office/Commercial) In certain situations based on unique conditions the owner may apply for any of the specific uses set forth in Sections 12, 13, 14, or 15 of this Ordinance. The special use for a specific use (office/commercial) may be granted if the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.

Section 19: Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
1. Sites of one acre or less:

- a. There shall be a landscaped setback along all streets of no less than ten feet.
 - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
 - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single-family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

Section 22.5. Wireless Telecommunications Regulations.

- A. *Basic Requirements.* The following regulations shall apply to all wireless telecommunications facilities in all zones, unless otherwise stated.
1. *Setbacks:*
 - a. A freestanding wireless telecommunications facility shall be set back a minimum of 85 feet from any property line or at a one to one ratio (one foot of setback for every foot of tower height from the property lines of the premises), whichever is greater, from any property zoned A-1, A-2, R-1, R-2, or M-H.
 - b. New freestanding wireless telecommunications facilities in electric substations shall be exempt from the one to one setback requirement if they are no taller than the existing utility poles in the substation.
 - c. Except as stated in (a) and (b) above, setbacks shall conform to the setback requirements of the zone in which the wireless telecommunications facility is located.
 2. *Lighting and Signage:*
 - a. Only security lighting or lighting required by a state or federal agency is allowed, provided:
 - (1) The location of the lighting fixture together with its cut-off angle shall be such that it does not shine directly on any public right-of-way or any residential premises.

- (2) The lighting shall not have an off-site luminance greater than 1,000 footlamberts; it shall not have an off-site luminance greater than 200 footlamberts measured from any property zoned A-1, A-2, R-1, R-2, or M-H.
- b. The only signage permitted is that required by state or federal law.
3. Telecommunications Equipment Building or Cabinet shall:
 - a. Not contain more than 350 square feet of gross floor area per service provider and shall not be more than ten feet in height.
 - b. Maintain the minimum setback and screening requirements of the zone in which it is located or as otherwise defined in this section.
4. Abandonment: All wireless telecommunications facilities that are not in use for six consecutive months shall be removed by the wireless telecommunications facility owner. This removal shall be completed within three months after the end of such six-month period. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation.
5. Collocation: No new free-standing wireless telecommunications facility shall be permitted unless the Zoning, Building and Planning Director or his/her designee determines, upon the applicant's demonstration, that no existing tower, structure or public utility structure located within 1/4 mile of the proposed site can be used in lieu of new construction to accommodate the applicant's proposed telecommunications facility. The applicant shall submit documentation to demonstrate that:
 - a. No existing tower, structure, or public utility structure is located within the 1/4 mile radius that meets the applicant's engineering requirements; or
 - b. No existing tower, structure, or public utility structure is located within the 1/4 mile radius which has sufficient structural strength or space available to support the applicant's proposed telecommunications facility and related equipment; or
 - c. The applicant's proposed telecommunications facility would cause significant, unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structures, or the antenna(s) on the existing towers, structures or public utility structures would cause interference with the applicant's proposed telecommunications facility; or
 - d. The owners of existing towers, structures, or public utility structures within the 1/4 mile radius will not allow the applicant to place its telecommunications facility thereon, or such owners are requiring payments for the use of their tower that substantially exceed commercially reasonable rates.
6. Interference: Every wireless telecommunications facility shall meet the regulations of the Federal Communications Commission regarding physical and electromagnetic interference.
7. Health Issues: Every wireless telecommunications facility shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission and any other federal or state agency.
8. View Corridors: Only concealed wireless telecommunications facilities or wireless telecommunications facilities, the antennas of which are all located on existing vertical structures, are allowed within 1/8 mile from the outer edge of the right-of-way of any flood control arroyo designated by the County of Bernalillo, City of Albuquerque, or Albuquerque Metropolitan Arroyo Flood Control Authority and identified as part of an existing or future trail system by the County or City, or the following streets: Alameda Boulevard, Griegos Road, Coors Boulevard, Central Avenue, Unser Boulevard, Paseo del Norte, Rio Grande Boulevard, Tramway Boulevard, Interstate 25, Interstate 40, Old US Highway 66 (New Mexico 333), New Mexico 14, New Mexico 337 (Highway 14 South), New Mexico 217, Mountain Valley Road, Frost Road, Sandia Crest Road (New Mexico 536), Vallecitos Road and Gutierrez Canyon

Road. All other wireless telecommunications facilities are prohibited within 1/8 mile of the outer edges of the right-of-way of the aforementioned view corridors.

9. Historic Districts: Only concealed wireless telecommunications facilities are allowed within districts listed in the State Register of Cultural Properties or the National Register of Historic Places, or within 1/8 mile of any historic routes listed in the State or National Registers.

10. Application requirements: In addition to information already required by the Zoning Ordinance, each applicant for a wireless telecommunications facility shall provide the Zoning, Building and Planning Department with the following:

- a. The zone map(s) specific to the application-site, from the County's Zone Atlas, drawn to scale, showing land uses and zoning designations, including those within the City of Albuquerque or other jurisdictions.
 - b. Documentation regarding collocation as described in section 22.5.A.5. of this ordinance.
 - c. A set of plans which, in addition to other requirements in this Ordinance, includes:
 - (1) A scaled site development plan clearly indicating the location, type, color and height of any proposed wireless telecommunications facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other jurisdictions), Comprehensive Plan classification of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of any wireless telecommunications facility, topography, and parking layout;
 - (2) A notarized statement from the applicant that describes the facility's capacity and declares the number and type(s) of antenna(s) that it can accommodate, or an explanation of why the facility cannot be designed to accommodate other users;
 - (3) An engineer's stamp and registration number;
 - (4) The separation distance between any tower and other telecommunications facilities and identification of the owner(s) of those facilities; and
 - (5) Any other information as requested by the county needed to evaluate the application;
 - d. A letter of intent committing the wireless telecommunication facility owner and its successors to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions of shared use.
 - e. In addition, the first application for a permit by a wireless telecommunications provider after adoption of this ordinance shall include an inventory of the applicant's existing wireless telecommunications facilities or approved sites for such facilities within the unincorporated portion of Bernalillo County or within one thousand feet of the border of the unincorporated area.
11. Criteria for Concealed Wireless Telecommunications Facilities. Concealed wireless telecommunications facilities must be:
- a. Architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape.
 - b. Located to avoid a dominant silhouette of a wireless telecommunications facility on escarpments and mesas, and to preserve view corridors.
 - c. Located on existing vertical infrastructure, such as utility poles or public utility structures, if possible.
 - d. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
12. Landscaping and Screening: The following regulations shall apply to landscaping and screening:

a. Freestanding wireless telecommunications facilities shall be surrounded by a six-foot high fence or wall, which shall be solid if facing or abutting a lot zoned A-1, A-2, R-1, R-2, or M-H. Chain link with slats shall not constitute a solid fence.

b. Any free-standing wireless telecommunications facility facing or abutting a property used for residential purposes shall include landscaping along the outside of the required fence or wall that is planted and maintained according to a Landscaping Plan approved by the Zoning, Building and Planning Director or his/her designee. Such landscaping shall meet the intent of the Landscaping and Buffer Landscaping Regulations Section of this ordinance. The Zoning, Building and Planning Director may waive this requirement if the freestanding wireless telecommunications facility is not readily visible from surrounding properties or rights of way and it is determined that providing the required landscaping is not necessary to meet the intent of this ordinance.

c. Concealed wireless telecommunications facilities are not subject to the landscaping and screening requirements of this section.

13. Horizontal Separation of Free-standing Wireless Telecommunications Facilities: Free-standing wireless telecommunications facilities shall be separated by at least 1,000 feet.

B. Exclusions. Every wireless telecommunications facility located within the county, whether upon private or public lands, shall be subject to the provisions of this ordinance. The following facilities, however, shall be exempted from the regulations for wireless telecommunications facilities:

1. Amateur radio stations if owned and operated by a federally licensed amateur radio station operator;

2. Receive-only antennas if used exclusively as a receive-only facility;

3. Any existing tower and antenna provided a building permit was issued for the tower or antenna prior to adoption of this ordinance;

4. Wireless telecommunications facilities used exclusively for emergency services including sheriff, police, fire, EMS, and operation of a water utility system; and

5. Any antennas used for AM, FM or TV broadcasting, which are regulated under the Special Use Section of this ordinance.

C. Variances. Variances may be granted from the requirements of these regulations by the Zoning Administrator, following the procedures in the administration section of this ordinance.

1. Any such variance shall be based on the following criteria:

a. It is in the best interest of the community as a whole;

b. It will expedite the approval of an antenna, tower, or tower alternative;

c. It will not jeopardize public health, safety and welfare;

d. It will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas; and

e. It will better serve the purposes of this ordinance.

2. The facts to be considered by the Zoning Administrator in reviewing an application for such a variance shall include:

a. The height of the proposed tower;

b. The proximity of the tower or antenna to residential structures and residential district boundaries;

c. The nature of uses on adjacent and nearby properties;

d. The surrounding topography;

e. The surrounding vegetation and foliage;

- f. The design of the tower or antenna, with particular reference to design characteristics intended to reduce or eliminate the tower's or antenna's visibility;
 - g. The proposed ingress and egress;
 - h. The availability of suitable existing towers or other structures; and
 - i. Such other factors as may be relevant.
- (Ord. No. 99-6, § 1, 5-11-99; Ord. No. 04-1, § 1, 1-13-04)

ANALYSIS:

Surrounding Land Use and Zoning

South of the subject site is a property with which it shares the existing Special Use Permit for Planned C-1 Development. To the north of the subject site is Sandia Pueblo property. To the east across Tramway Boulevard, are C-1 zoned properties. To the west across Tennyson Road, are residential properties within the North Albuquerque Acres community.

Plans

The Sandia Heights Master Plan requires that zone changes to R-2 or C-1 be accompanied by Special Use Permits that require development plans to be submitted, reviewed, and approved prior to any development.

Zoning Ordinance

Freestanding wireless communication facilities up to 65 feet are permissive in the O-1, C-1, C-2, M-1, and M-2 zones. A freestanding wireless telecommunications facility must be set back a minimum of 85 feet from any property line or at a one to one ratio (one foot of setback for every foot of tower height from property lines of the premises), whichever is greater, from any property zoned A-1, A-2, R-1, R-2, or M-H. These must be surrounded by a six-foot high, solid fence or wall if abutting A-1, A-2, R-1, R-2, or M-H zones.

However, the subject site is within the Paseo del Norte View Corridor. All such uses must follow Zoning Ordinance Section 22.5 regulations for Wireless Telecommunications. As outlined in the Bernalillo County Zoning Ordinance, wireless communication facilities are permissive in all zones if they are concealed or located on public utility structures. In general, to be considered "concealed", the facility must be located on existing vertical infrastructure, architecturally integrated with and screened by existing building, structures, and landscape, and must preserve the view corridor.

Agency Comments

The Zoning Administrator concludes that the submitted request does not comply with the criteria for wireless telecommunications facility on the subject site. Environmental Health staff requests information on the exact distances from proposed facility to existing structure. Public Work staff state that a Fire Apparatus road will need to be established at the time of the construction.

Analysis Summary

Zoning	
Resolution 116-86	Applicant must justify the request by explaining changed community conditions or advantage to community.

Section 18.B.32.a	Applicant must demonstrate unique conditions that justify the need for the facility.
Section 22.5	Unconcealed wireless telecommunications facilities are prohibited within 1/8 of a mile of the outer edge of Tramway Boulevard, a View Corridor.
Plans	
Comprehensive Plan	Maintain the character and identity of the Semi-Urban areas which have environmental, social or cultural conditions limiting urban land uses.
Master Plan	C-1 properties should be accompanied by Special Use Permits so that a development plan will be provided and reviewed prior to intended uses.
Other Requirements	
Zoning Administrator	Applicant may consider re-designing the project to meet Ordinances.
Environmental Health	Applicant should indicate the distances between proposed facility and existing structure.

Conclusion

The applicant is requesting amendment of an existing Special Use Permit to include a freestanding 65-foot monopole for the placement of wireless antennas. Sandia Heights Homeowners Association expressed support for the request in a letter to the applicant and is included in the case file. This facility would also include supporting ground equipment. This use is permissive in the O-1, C-1, C-2, M-1, and M-2 zones. Although the underlying zone of the subject site is C-1, there is a Special Use Permit in place which makes it necessary to show the uses on a site plan. Furthermore, the subject site is within the Tramway Boulevard View Corridor and therefore must be concealed. Although the applicant explains that the monopole is concealed within a canister and the cabling and antennas are within the pole, this does not meet the concealment criteria in Section 22.5.A.8 of the Zoning Ordinance. Moreover, the applicant has not presented any unique conditions that would justify the request and therefore has not met Bernalillo County Zoning Ordinance Section 18.B.32.a. Staff recommends denial of the request.

Additional Staff Comments September 6, 2006

At the request of the applicant, the case was deferred from the July 12, 2006 CPC hearing to allow the applicant to meet with the neighbors. Staff has received no documentation from the applicant indicating that a meeting with the neighbors has been held. However, since the July 12, 2006 hearing date, opposition letters have been sent by various neighbors and added to the case file (see Attachment 4). The Sandia Heights Homeowners Association has submitted a letter rescinding their earlier support for the applicant's request.

RECOMMENDATION:

Denial based on the following Findings

Mari Simbaña
Program Planner

Findings:

1. This is a request for an amendment to the Special Use Permit to allow a 65-foot wireless telecommunication facility (monopole) on Tract 12A1, located at 9600 Tennyson Street NE, zoned C-1 with a Special Use Permit for C-1 Uses, containing approximately 4.17 acres. (B-23)
2. The property is within the Semi Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. This request is in conflict with Resolution 116-86 in that the applicant has failed to demonstrate that the requested land use is more advantageous to the community and that the existing zoning is inappropriate.
4. The applicant has failed to meet section 18.B.32.a of the Zoning Ordinance in that there is not substantial neighborhood support and not justification for unique conditions.
5. The proposed use for a freestanding wireless communications facility conflicts with the Zoning Ordinance Section 22.5.A.8 in that it is within 1/8 of a mile of Tramway Boulevard, a designated View Corridor.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Zoning Administrator

30/MAY/2006

The wireless telecommunication regulations (Sec. 22.5) govern these types of proposals in the County. Typically, properties zoned O-1, C-1, C-2, M-1 and M-2 zones are allowed to place a freestanding facility up to 65 feet in height for a single provider, and can increase the height up to 75 feet if more than one service provider collocates on the antenna. This application appears to be the result of the existing SUP on the site. The general regulations of Section 22.5 also require landscaping and screening to buffer the related telecommunications equipment area, and indicate that facilities meet certain setback and separation distances.

However, these general standards are of secondary concern to this proposals main difficulty - its location within a designated view corridor. Section 22.5.A.8 only permits concealed wireless telecommunication facilities within 660 feet of Tramway Blvd., and the current proposal does not meet the criteria in order to be considered a concealed facility.

SITE PLAN COMMENTS

Additional details and/or changes are needed for this proposal in order to meet current zoning requirements for the following:

1. Landscaping
 - a. buffer areas (15-foot wide minimum) should be provided on all sides of the proposed facility
 - b. these areas should include sufficient trees (deciduous & coniferous) and vegetation (shrubs, low-growing plants) to meet the coverage requirements (75% within 2 years) - low-water use plantings are encouraged
 - c. ground cover is also needed in these areas; gravel or rock is recommended
 - d. the type of irrigation system to be used needs to be noted
 - e. the individual or parties responsible for the continued maintenance of the landscaping needs to be noted
2. Screening
 - a. a solid fence or wall, at least 6 feet in height, is needed to surround the wireless site and the related equipment. Chain link fencing with slats does not meet this requirement. The elevation drawings seem to indicate that the proposed wall will be at least 12 feet high (specified height of the access gate), but since these drawings are not to scale, the height of the wall needs to be clarified.
3. Equipment buildings or cabinets.
 - a. these are limited in area to no more than 350 square feet per service provider, as well as an overall height of less than 10 feet. The provided site plan appears to meet the size limitations, but since these drawings have not been prepared to scale the overall height of the equipment cabinets need to be clarified and their size needs to be duly noted.

COMMENTS RELATED TO THE USE

The lack of compliance with the concealed criteria is the greatest obstacle in obtaining zoning approval for this request. The regulations have been written to be specifically stringent in order to ensure that these types of facilities are designed to be incorporated into existing

buildings, structures or landscaping. This intention is also mirrored in the North Albuquerque Acres & Sandia Heights Light Pollution Ordinance (Article VI, Div. 1, Sec. 30-181 - 30-192, Bernalillo County Code), which affects this property. Although this ordinance specifically addresses the height of lighting fixtures (16 feet high light poles), it does so to reduce the likelihood of visual and aesthetic interference caused by tall structures and poles.

The current proposal - although listed as a "stealth" facility and characterized as being unrecognizable as a wireless facility to "the average person" - does not seem to incorporate any of the necessary considerations to meet the County's requirements for concealment, nor does it meet location requirements due to its proximity to the view corridor. A complete redesign of the project may render a different determination by staff, but based on the information provided at this time, the proposal does not meet the applicable criteria.

Building Department:

5/31/06

Corrections listed below must be corrected for approval:

Building permits will be required for the proposed project as a condition of approval.

Environmental Health:

5/30/06

1. If, this project ever has employees and occupants; the developer will provide a drinking water system and a wastewater system that meets the most current ordinances of Bernalillo County.

2. The site plan indicates that the tower is 65' in height and in consideration of the height of the tower and its proximity to the "Futures for Children" structures and the residence to the west, the tower may be too tall for the site. The fallout plume of the tower indicates that the structures and or people could be in danger if the tower toppled.

a. Provide exacting distances from the tower to the surrounding structures and residences.

Zoning Enforcement Manager:

6/1/06

No adverse comment from zoning at this time.

Based on the above comments there is no adverse comments at this time.

No active zoning violations on this property .

Fire:

No comment received

Public Works:

DRAN:

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5/30/06

1. A grading and drainage plan is not required, at this time, as a condition of approval of this Special Use Permit request, because no significant changes to the current development are explicitly or implicitly implied.

DRE:

6/12/06

A 20 foot wide Fire Apparatus road is required to be constructed at the time of development. However, with the Fire Marshal's approval the width of the road could be decreased to 14 feet.

Parks & Recreation:

6/7/06

Reviewed, no adverse comment.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

6/12/06

No comment.

AMAFCA:

No comment received

City Planning Department:

6/8/06

For all cases for the July 15, 2006 CZ and CSU hearing the City of Albuquerque Development Services Division has no adverse comment.

City Public Works/Water Resources:

No comment received

ABCWUA Utility Development Section

No comment received

City Environmental Health:

No comment received

City Open Space:

6/1/06

Open Space does not have any comments for projects to be heard July 12, 2006.

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City Transportation Development:

6/8/06

No adverse comments.

City Transit:

6/13/06

No ABQ Ride service is in the vicinity of the site.

NM Department of Transportation:

6/1/06

Possible Impacted NMDOT roadway(s): NM556 ? Tramway Blvd.

Departments Comments: No comments since there is no direct impact to the state system.

Albuquerque Public School:

6/1/06

The request to construct a concealed 65' light pole at 9600 Tennyson St NE for the purposes of operating a wireless telecommunications facility will have no adverse impacts to the APS district.

Village of Tijeras:

No comment received

NEIGHBORHOOD ASSOCIATIONS:

Sandia Heights Homeowners Association

North Albuquerque Acres Community Association